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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JORGE FLORES, **Plaintiff,** **v.** **TACS III, LLC;** **DAVID MICHAEL CARR; and** **DOE 1-5** **Defendants.**	))))))))))))))))	**Civil Action No. _________________** **JURY DEMAND** **COMPLAINT FOR:** **1.) FAIR DEBT COLLECTION PRACTICES ACT (15 U.S.C. 1692 et seq.)** **2.) ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT VIOLATIONS (Cal. Civ. Code § 1788 et seq.).**

COMPLAINT

(Jury Trial Demanded)

1. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. ("FDCPA").

JURISDICTION AND VENUE

2. This Court exercises jurisdiction under 15 U.S.C. § 1692k and 28 U.S.C. §§ 1331, 1337, and 1367. This District is of proper venue as Plaintiff is a resident within this District and Defendants engaged in the actions alleged herein while Plaintiff so resided.

PARTIES

3. Plaintiff, Jorge Flores (hereinafter "Plaintiff" or "Mr. Flores"), is a natural person residing in Oakland, California. Defendant TACS III, LLC is an inactive Florida limited liability company having been administratively dissolved for failure to file an annual report with the Florida Secretary of State. The principle address of the company is listed as 3145 Geary Blvd. in San Francisco, CA. 94118, a private mail box rented by Defendant DAVID MICHAEL CARR. The Florida Secretary of State lists DAVID MICHAEL CARR as the sole manager of the company. Defendant DAVID MICHAEL CARR is an individual believed to reside in New York and uses a mailing address of 305 W Broadway in New York, NY. 10013 and 3145 Geary Blvd. in San Francisco, CA. 94118. DAVID MICHAEL CARR is the manager, operator, and owner of his debt collection company TACS III, LLC, and responsible for the policies, procedures, and actions of the companies, including those giving rise to each of Plaintiff's causes of action.

4. Plaintiff is ignorant of the true names and capacities of the defendants sued herein as DOE 1-5, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege the true names and capacities once ascertained. Plaintiff believes and thereon alleges that the fictitiously named defendants are responsible in some manner for the occurrences herein alleged, and that such defendants are responsible to Plaintiff for damages and/or monies owed.

5. TACS III, LLC, DAVID MICHAEL CARR, and DOE 1-5 shall hereafter be jointly referred to as "Defendants."

6. Defendants regularly operate as third-party debt collectors and are "debt collectors" as defined by 15 U.S.C. 1692a.

FACTUAL ALLEGATIONS

7. On or about January 26, 2016, Defendants began contacting Mr. Flores in an attempt to collect a consumer debt allegedly owed by Mr. Flores.

8. On January 25, 2016, Defendants called Mr. Flores and left a voicemail message, the content of which is as follows: "This message is solely intended for Jorge Flores. If you are not Jorge Flores, please hang up now and disregard this message. We are handling a claim in our office. Please note your claim number 3599640. Please press zero to speak to a representative or call us at 844-226-8637. Thank you."

9. On April 27, 2016, Defendants called Mr. Flores and left a voicemail message, the content of which is as follows: "If you are not Jorge Flores, please hang up now and disregard this message. We are handling a claim in our office. Please note your claim number 3599640. Please press zero to speak to a representative or call us at 844-226-8637. Thank you."

10. On May 11, 2016, Defendants called Mr. Flores and left a voicemail message, the content of which is as follows: "Jorge Pena Flores. If you are not Jorge Pena Flores, please hang up now and disregard this message. We are handling a claim in our office. Please note your claim number 3564910. Please press zero to speak to a representative or call us at 866-487-8320. Thank you."

11. Defendants failed to provide Mr. Flores with debt validation information pursuant to 15 U.S.C. 1692g within 5-days of their initial communication of January 25, 2016.

12. Harassed and concerned about the nature and purpose of Defendants' messages, Mr. Flores retained counsel with Centennial Law Offices.

13. On July 1, 2016, staff from Centennial Law Offices called Defendants at 844-226-8637. Defendants identified themselves as TACS III, LLC.

14. On October 18, 2016, staff from Centennial Law Offices called Defendants at 866-487-8320. A recording greeting identified the number as belonging to TACS III, LLC.

15. As a direct result of the collection activity herein alleged, Mr. Flores incurred legal fees of $2,355.00.

CAUSES OF ACTION

COUNT I

16. Plaintiff re-alleges paragraphs 1 through 15, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants, and each of them, violated 15 U.S.C. 1692g by continuing with their collection efforts after failing to send Plaintiff debt validation information within 5-days of their initial contact with Plaintiff.

COUNT II

17. Plaintiff re-alleges paragraphs 1 through 15, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and

herein alleges that Defendants, and each of them, violated 15 U.S.C. 1692d(6) with regards to Plaintiff as follows: In their communications to Plaintiff, Defendants failed to provide meaningful disclosure of their identity by failing to disclosure their name, that the communications were from a debt collector, and that such communications were being made in an attempt to collect a debt.

COUNT III

18. Plaintiff re-alleges paragraphs 1 through 15, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants, and each of them, violated 15 U.S.C. 1692(e)11 with regards to Plaintiff as follows: In their communications to Plaintiff, Defendants failed to disclose that the communications were from a debt collector.

COUNT IV

19. Plaintiff re-alleges paragraphs 1 through 15, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants, and each of them, violated Cal. Civ. Code § 1788.11(b) with regards to Plaintiff by leaving telephone messages for Plaintiff in which Defendants failed to disclose that the communications were from a debt collector.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, recovery for each cause of action in the alternative, as follows:

1.) For statutory damages in the amount of $1,000 pursuant to 15 U.S.C. 1692k(2);

2.) For statutory damages in the amount of $1,000 pursuant to Cal. Civ. Code § 1788.30(b);

3.) For actual damages of $2,155.00 for legal costs in responding to unlawful collection activity;

4.) For prejudgment interest in an amount to be proved at time of trial;

5.) For attorney's fees pursuant to 15 U.S.C. 1692(k) and Cal. Civ. Code § 1788.30(c);

6.) For the costs of this lawsuit; and

7.) For any other and further relief that the court considers proper.

JURY DEMAND

Plaintiff demands a jury trial.

Date: April 11, 2017

s/Robert Amador

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